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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,398	12/05/2003	William M. Brandt	14012-071001/70-03-007	8841

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EXAMINER

GERGISO, TECHANE

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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09/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/729,398	Applicant(s) BRANDT, WILLIAM M.	
	Examiner TECHANE J. GERGISO	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/08/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 08, 2008 has been entered.
2. Claims 1-20 have been examined are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2137

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engberg (US Pub No.: 2003/0158960 A1) in view of Nordman et al. (hereinafter referred to as Nordman, US Pat. No.: 7, 340, 438 B2).

As per claim 1:

Engberg discloses a method for preventing identity theft in electronic communications, comprising the steps of:

sequencing an encryption key transaction from a trusted service for generating for an individual a consumer identifier by performing the steps of:

(0228-0229; Master key, Client keys, temporary keys; [0260] A Virtual Identity is a pseudonym for an individual created for a specific purpose. Using the Trusted Party (TP), an individual can assume use a VID to communicate, trade etc. anonymously and under full control of the process. [0265] TP--Trusted Party--is generally treated as one entity identified by a TP Token Identifier or the public key of TP (TP.Pu) that can be verified in official registers such as X500 or X509. [0366] Establish a CLIENTKey which is a general symmetric encryption key between TP and CLIENT. [0401] Secret key of VID (Cl.Vir.Pr) is known only to TP, as TP is backing the authenticity of VID to CLIENT. [0400]-[0401]).

issuing to the individual a unique identifier from said trusted service; and

([0391] Establish VID (CLIENT/COMPANY). [0395] CLIENT establishes an anonymous identity towards a relation under full CLIENT control. [0401] Secret key of VID (Cl.Vir.Pr) is known only to TP, as TP is backing the authenticity of VID to CLIENT.)

Art Unit: 2137

permitting the individual to generate and maintain a consumer-defined sequence through said trusted service; and

([0404] This invention works with a secret shared symmetric key SYMKEY to encrypt communication between CLIENT and COMPANY. In the following the SYMKEY is treated as if it is reused from session to session; however the SYMKEY can just as well be generated as part of establishing a session as a session specific encryption key which is saved together with communication encrypted by the public key of CLIENT (Cl.Pu).

([0405] SYMKEY can be created without revealing this to TP.)

allowing the individual to control access to commercially related use of said consumer identifier by third parties .

([0475] When creating a virtual identity on behalf of CLIENT, TP creates a new set of signature keys (Cl.Vir.Pr and Cl.Vir.Pu). TP keeps the private key Cl.Vir.Pr which is not revealed to anyone else.)

Engberg does not explicitly disclose generating a report when at least one of the third parties requests access to information related to the consumer identifier; and allowing the individual to control which of the third parties that requested access can access information related to the individual. Nordman in analogous art, however discloses generating a report when at least one of the third parties requests access to information related to the consumer identifier; and allowing the individual to control which of the third parties that requested access can access information related to the individual (column 3: lines 20-25; column 6: lines 35-48; column 7: lines 16-23; column 8: lines 40-51). Therefore, it could have been obvious to a person having

Art Unit: 2137

ordinary skill in the art at the time the invention was made to modify the system disclosed by Engberg to include generating a report when at least one of the third parties requests access to information related to the consumer identifier; and allowing the individual to control which of the third parties that requested access can access information related to the individual. This modification could have been obvious because a person having ordinary skill in the art would have been motivated to managing user privacy of a user operating a user device such as a wireless device in a network environment and determine a context for interaction with a party; filtering user data, such as personal assets, to be provided to the party based on the determined context; and transmitting the filtered user data to the party as suggested by (column 1: lines 53-67).

As per claim 2:

Engberg discloses a method, comprising the steps of verifying commercially related use of said consumer identifier, comprising the steps of:

initiating a verification process from a requesting business entity via a secure connection

(0737; 0743);

comparing said consumer identifier with a pre-determined set of database records using

said consumer-defined sequence in response to initiating said verification process

(0489);

presenting a positive or negative confirmation to said requesting business, said business

having registered with said trusted service (0491); and

Art Unit: 2137

confirming requested information relating to the individual via said secure connection, said requested information have been pre-authorized for presenting to said requesting business entity by the individual (0490).

As per claims 3 and 12:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of reporting to the individual the number of times at least one requesting business entity has initiated a verification process (0949-0952).

As per claim 4:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of confirming requested information relating to the individual including the individual's name, address, and photograph (90279; 0341-0342).

As per claim 5:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of confirming requested information relating to the individual including the individual's fingerprints (0338-0039; 0453).

As per claim 6:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the steps of storing said consumer identifier on a remote business database system

Art Unit: 2137

and permitting the individual to modify said consumer identifier through a secure connection to a remote location (0694-0696).

As per claim 7:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of issuing to the individual a unique identifier from said trusted service according to a pre-determined set of business rules associated with a remote business database system (0270).

As per claim 8:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of allowing the individual to control commercial transactions using said consumer identifier (0552-0556).

As per claim 9:

Engberg discloses a method and instructions stored on a computer-readable medium, comprising the step of issuing to the individual a unique identifier from said trusted service, said unique identifier conveying in encrypted information relating to the individual's age and locale (0881; 0888).

Claims 10 and 11 are a system comprising instruction stored on a computer-readable medium for performing the steps of claims 1 and 2 respectively. Claims 10 and 11 are substantially similar to

Art Unit: 2137

their corresponding method claims 1 and 2; and therefore, they are rejected with the same rationale given to reject claims 1 and 2 respectively.

Claims 19 and 20 are a computer readable storage medium comprising instruction stored on a computer-readable medium for performing the steps of claims 1 and 2 respectively. Claims 19 and 20 are substantially similar to their corresponding method claims 1 and 2; and therefore, they are rejected with the same rationale given to reject claims 1 and 2 respectively.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the notice of reference cited in form PTO-892 for additional prior art.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is (571) 273-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2137

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T. J. G./

Examiner, Art Unit 2137

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137